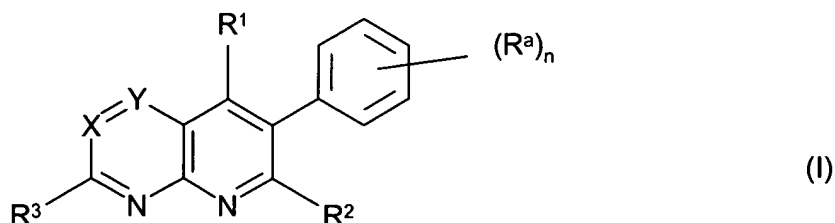


**AMENDMENTS TO THE CLAIMS**

1. (Original) A bicyclic compound of the formula I



in which

X, Y independently of one another are N or C-R<sup>4</sup>;

n is 1, 2, 3, 4 or 5;

R<sup>a</sup> is halogen, cyano, C<sub>1</sub>-C<sub>6</sub>-alkyl, C<sub>1</sub>-C<sub>6</sub>-alkoxy, C<sub>1</sub>-C<sub>6</sub>-haloalkyl, C<sub>1</sub>-C<sub>6</sub>-haloalkoxy, C<sub>2</sub>-C<sub>6</sub>-alkenyl, C<sub>2</sub>-C<sub>6</sub>-alkenyloxy or C(O)R<sup>5</sup>;

R<sup>1</sup> is halogen, cyano, C<sub>1</sub>-C<sub>6</sub>-alkyl, C<sub>1</sub>-C<sub>6</sub>-haloalkyl, C<sub>2</sub>-C<sub>6</sub>-alkenyl, C<sub>2</sub>-C<sub>6</sub>-alkynyl, C<sub>3</sub>-C<sub>8</sub>-cycloalkyl which is optionally mono- or polysubstituted by alkyl and/or halogen, C<sub>5</sub>-C<sub>8</sub>-cycloalkenyl which is optionally mono- or polysubstituted by alkyl and/or halogen, OR<sup>6</sup>, SR<sup>6</sup> or NR<sup>7</sup>R<sup>8</sup>;

R<sup>2</sup> is halogen, cyano, C<sub>1</sub>-C<sub>6</sub>-alkyl, C<sub>1</sub>-C<sub>6</sub>-haloalkyl, C<sub>2</sub>-C<sub>6</sub>-alkenyl, C<sub>2</sub>-C<sub>6</sub>-alkynyl, C<sub>3</sub>-C<sub>8</sub>-cycloalkyl which is optionally mono- or polysubstituted by alkyl and/or halogen, C<sub>5</sub>-C<sub>8</sub>-cycloalkenyl which is optionally mono- or polysubstituted by alkyl and/or halogen, OR<sup>6</sup>, SR<sup>6</sup> or NR<sup>7</sup>R<sup>8</sup>;

R<sup>3</sup> is hydrogen, C<sub>1</sub>-C<sub>6</sub>-alkyl, C<sub>1</sub>-C<sub>6</sub>-haloalkyl or C<sub>3</sub>-C<sub>6</sub>-cycloalkyl which is optionally mono- or polysubstituted by alkyl and/or

halogen;

$R^4$  is hydrogen, halogen,  $C_1$ - $C_6$ -alkyl,  $C_1$ - $C_6$ -haloalkyl or  $C_3$ - $C_6$ -cycloalkyl which is optionally mono- or polysubstituted by alkyl and/or halogen;

$R^5$  is hydrogen, OH,  $C_1$ - $C_6$ -alkyl,  $C_1$ - $C_6$ -alkoxy,  $C_1$ - $C_6$ -haloalkyl,  $C_1$ - $C_6$ -haloalkoxy,  $C_2$ - $C_6$ -alkenyl,  $C_1$ - $C_6$ -alkylamino or di- $C_1$ - $C_6$ -alkylamino, piperidin-1-yl, pyrrolidin-1-yl or morpholin-4-yl;

$R^6$  is hydrogen,  $C_1$ - $C_6$ -alkyl,  $C_1$ - $C_6$ -haloalkyl, phenyl- $C_1$ - $C_4$ -alkyl where phenyl may be mono- or polysubstituted by halogen, alkyl or alkoxy,  $C_2$ - $C_6$ -alkenyl or  $COR^9$ ;

$R^7, R^8$  independently of one another are hydrogen,  $C_1$ - $C_{10}$ -alkyl,  $C_2$ - $C_{10}$ -alkenyl,  $C_4$ - $C_{10}$ -alkadienyl,  $C_2$ - $C_{10}$ -alkynyl,  $C_3$ - $C_8$ -cycloalkyl,  $C_5$ - $C_8$ -cycloalkenyl,  $C_5$ - $C_{10}$ -bicycloalkyl, phenyl, phenyl- $C_1$ - $C_4$ -alkyl, naphthyl,

a 5- or 6-membered saturated or partially unsaturated heterocycle which may have 1, 2 or 3 heteroatoms selected from the group consisting of N, O and S as ring members, or

a 5- or 6-membered aromatic heterocycle which may have 1, 2 or 3 heteroatoms selected from the group consisting of N, O and S as ring members,

where the radicals mentioned as  $R^7, R^8$  may be partially or fully halogenated and/or may have 1, 2 or 3 radicals  $R^b$ , where

$R^b$  is selected from the group consisting of cyano, nitro, OH, C<sub>1</sub>-C<sub>6</sub>-alkyl, C<sub>1</sub>-C<sub>6</sub>-alkoxy, C<sub>1</sub>-C<sub>6</sub>-haloalkyl, C<sub>1</sub>-C<sub>6</sub>-haloalkoxy, C<sub>1</sub>-C<sub>6</sub>-alkylthio, C<sub>2</sub>-C<sub>6</sub>-alkenyl, C<sub>2</sub>-C<sub>6</sub>-alkenyloxy, C<sub>2</sub>-C<sub>6</sub>-alkynyl, C<sub>2</sub>-C<sub>6</sub>-alkynyloxy, C<sub>1</sub>-C<sub>6</sub>-alkylamino, di-C<sub>1</sub>-C<sub>6</sub>-alkylamino, piperidin-1-yl, pyrrolidin-1-yl or morpholin-4-yl;

$R^7$  and  $R^8$  together with the nitrogen atom to which they are attached may also form a 5-, 6- or 7-membered saturated or unsaturated heterocycle which may have 1, 2, 3 or 4 further heteroatoms selected from the group consisting of O, S, N and  $NR^{10}$  as ring members and may be partially or fully halogenated and which may have 1, 2 or 3 radicals  $R^b$ ; and

$R^9$ ,  $R^{10}$  independently of one another are hydrogen or C<sub>1</sub>-C<sub>6</sub>-alkyl;

or an agriculturally acceptable salt of a compound I,

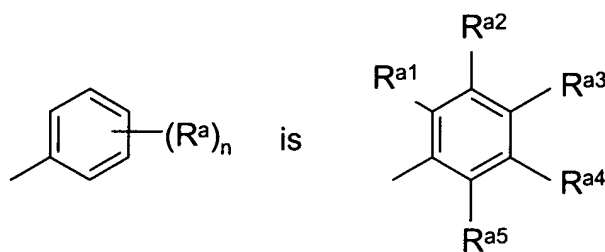
except for the compounds of the formula I in which  $R^1$  is OH, if Y and X are simultaneously each C- $R^4$ ;

and also except for 2,4-dichloro-3-(o-methoxyphenyl)-1,8-naphthyridine.

2. (Original) The compound according to claim 1 of the formula I in which Y and X are each C- $R^4$ .

3. (Original) The compound according to claim 1 of the formula I in which Y is N and X is C- $R^4$ .

4. (Original) The compound according to claim 1 of the formula I in which Y is C-R<sup>4</sup> and X is N.
5. (Original) The compound according to any of the preceding claims of the formula I in which R<sup>4</sup> is hydrogen, C<sub>1</sub>-C<sub>6</sub>-alkyl or C<sub>1</sub>-C<sub>6</sub>-haloalkyl.
6. (Currently Amended) The compound according to ~~any of the preceding claims~~ claim 1 of the formula I in which n is 2, 3, 4 or 5.
7. (Currently Amended) The compound according to ~~any of the preceding claims~~ claim 1 of the formula I in which the group



where

- $R^{a1}$  is fluorine, chlorine, trifluoromethyl or methyl;
- $R^{a2}$  is hydrogen or fluorine;
- $R^{a3}$  is hydrogen, fluorine, chlorine, cyano, C<sub>1</sub>-C<sub>4</sub>-alkyl, C<sub>1</sub>-C<sub>4</sub>-alkoxy or C<sub>1</sub>-C<sub>4</sub>-alkoxycarbonyl;
- $R^{a4}$  is hydrogen, chlorine or fluorine;

$R^{a5}$  is hydrogen, fluorine, chlorine,  $C_1$ - $C_4$ -alkyl or  $C_1$ - $C_4$ -alkoxy.

8. (Currently Amended) The compound according to ~~any of the preceding claims~~ claim 1 of the formula I in which  $R^1$  is a group  $NR^7R^8$  in which at least one of the radicals  $R^7$ ,  $R^8$  is different from hydrogen.

9. (Original) The compound according to claim 8 of the formula I in which

$R^7$  is  $C_1$ - $C_6$ -alkyl,  $C_3$ - $C_8$ -cycloalkyl which is optionally mono- or polysubstituted by alkyl and/or halogen,  $C_1$ - $C_6$ -haloalkyl, phenyl- $C_1$ - $C_4$ -alkyl,  $C_2$ - $C_6$ -alkenyl or  $C_2$ - $C_6$ -alkynyl;

$R^8$  is hydrogen,  $C_1$ - $C_6$ -alkyl or  $C_2$ - $C_6$ -alkenyl; or

$R^7, R^8$  together with the nitrogen atom to which they are attached are a saturated or partially unsaturated 5-, 6- or 7-membered nitrogen heterocycle which may have 1 further heteroatom selected from the group consisting of O, S and  $NR^{10}$  as ring member and which may have 1 or 2 substituents selected from the group consisting of  $C_1$ - $C_6$ -alkyl,  $C_1$ - $C_6$ -haloalkyl, halogen and hydroxyl, where  $R^{10}$  is as defined in claim 1.

10. (Original) The compound according to claim 1 of the formula I in which  $R^1$  is hydroxyl and one of the radicals Y or X is N.

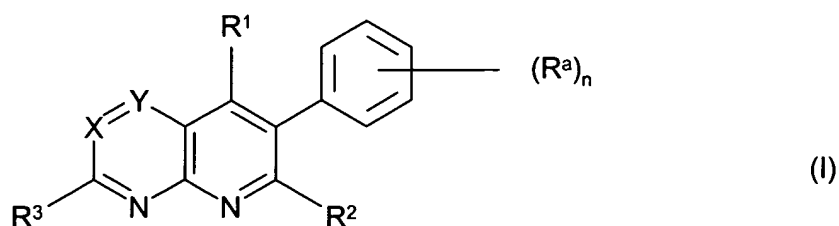
11. (Currently Amended) The compound according to ~~any of claims 1 to 7~~ claim 1 of the formula

I in which  $R^1$  is halogen.

12. (Original) The compound according to claim 1 in which  $R^2$  is hydroxyl, Y is  $C-R^4$  and X is  $C-R^4$  or N.

13. (Currently Amended) The compound according to ~~any of claims 1 to 11~~ claim 1 in which  $R^2$  is halogen,  $C_1$ - $C_6$ -alkyl or  $C_1$ - $C_6$ -haloalkyl.

14. (Original) The use of a compound of the formula I



in which

X, Y independently of one another are N or  $C-R^4$ ;

n is 1, 2, 3, 4 or 5;

$R^a$  is halogen, cyano,  $C_1$ - $C_6$ -alkyl,  $C_1$ - $C_6$ -alkoxy,  $C_1$ - $C_6$ -haloalkyl,  $C_1$ - $C_6$ -haloalkoxy,  $C_2$ - $C_6$ -alkenyl,  $C_2$ - $C_6$ -alkenyloxy or  $C(O)R^5$ ;

$R^1$  is halogen, cyano,  $C_1$ - $C_6$ -alkyl,  $C_1$ - $C_6$ -haloalkyl,  $C_2$ - $C_6$ -alkenyl,  $C_2$ - $C_6$ -alkynyl,  $C_3$ - $C_8$ -cycloalkyl which is optionally mono- or polysubstituted by alkyl and/or halogen,  $C_5$ - $C_8$ -cycloalkenyl which

- is optionally mono- or polysubstituted by alkyl and/or halogen, OR<sup>6</sup>, SR<sup>6</sup> or NR<sup>7</sup>R<sup>8</sup>;
- R<sup>2</sup> is halogen, cyano, C<sub>1</sub>-C<sub>6</sub>-alkyl, C<sub>1</sub>-C<sub>6</sub>-haloalkyl, C<sub>2</sub>-C<sub>6</sub>-alkenyl, C<sub>2</sub>-C<sub>6</sub>-alkynyl, C<sub>3</sub>-C<sub>8</sub>-cycloalkyl which is optionally mono- or polysubstituted by alkyl and/or halogen, C<sub>5</sub>-C<sub>8</sub>-cycloalkenyl which is optionally mono- or polysubstituted by alkyl and/or halogen, OR<sup>6</sup>, SR<sup>6</sup> or NR<sup>7</sup>R<sup>8</sup>;
- R<sup>3</sup> is hydrogen, C<sub>1</sub>-C<sub>6</sub>-alkyl, C<sub>1</sub>-C<sub>6</sub>-haloalkyl or C<sub>3</sub>-C<sub>6</sub>-cycloalkyl which is optionally mono- or polysubstituted by alkyl and/or halogen;
- R<sup>4</sup> is hydrogen, halogen, C<sub>1</sub>-C<sub>6</sub>-alkyl, C<sub>1</sub>-C<sub>6</sub>-haloalkyl or C<sub>3</sub>-C<sub>6</sub>-cycloalkyl which is optionally mono- or polysubstituted by alkyl and/or halogen;
- R<sup>5</sup> is hydrogen, OH, C<sub>1</sub>-C<sub>6</sub>-alkyl, C<sub>1</sub>-C<sub>6</sub>-alkoxy, C<sub>1</sub>-C<sub>6</sub>-haloalkyl, C<sub>1</sub>-C<sub>6</sub>-haloalkoxy, C<sub>2</sub>-C<sub>6</sub>-alkenyl, C<sub>1</sub>-C<sub>6</sub>-alkylamino or di-C<sub>1</sub>-C<sub>6</sub>-alkylamino, piperidin-1-yl, pyrrolidin-1-yl or morpholin-4-yl;
- R<sup>6</sup> is hydrogen, C<sub>1</sub>-C<sub>6</sub>-alkyl, C<sub>1</sub>-C<sub>6</sub>-haloalkyl, phenyl-C<sub>1</sub>-C<sub>4</sub>-alkyl where phenyl may be mono- or polysubstituted by halogen, alkyl or alkoxy, C<sub>2</sub>-C<sub>6</sub>-alkenyl or COR<sup>9</sup>;
- R<sup>7</sup>, R<sup>8</sup> independently of one another are hydrogen, C<sub>1</sub>-C<sub>10</sub>-alkyl, C<sub>2</sub>-C<sub>10</sub>-alkenyl, C<sub>4</sub>-C<sub>10</sub>-alkadienyl, C<sub>2</sub>-C<sub>10</sub>-alkynyl, C<sub>3</sub>-C<sub>8</sub>-cycloalkyl, C<sub>5</sub>-C<sub>8</sub>-cycloalkenyl, C<sub>5</sub>-C<sub>10</sub>-bicycloalkyl, phenyl, phenyl-C<sub>1</sub>-C<sub>4</sub>-alkyl,

naphthyl,

a 5- or 6-membered saturated or partially unsaturated heterocycle which may have 1, 2 or 3 heteroatoms selected from the group consisting of N, O and S as ring members, or

a 5- or 6-membered aromatic heterocycle which may have 1, 2 or 3 heteroatoms selected from the group consisting of N, O and S as ring members,

where the radicals mentioned as  $R^7$ ,  $R^8$  may be partially or fully halogenated and/or may have 1, 2 or 3 radicals  $R^b$ , where

$R^b$  is selected from the group consisting of cyano, nitro, OH,  $C_1$ - $C_6$ -alkyl,  $C_1$ - $C_6$ -alkoxy,  $C_1$ - $C_6$ -haloalkyl,  $C_1$ - $C_6$ -haloalkoxy,  $C_1$ - $C_6$ -alkylthio,  $C_2$ - $C_6$ -alkenyl,  $C_2$ - $C_6$ -alkenyloxy,  $C_2$ - $C_6$ -alkynyl,  $C_2$ - $C_6$ -alkynyloxy,  $C_1$ - $C_6$ -alkylamino, di- $C_1$ - $C_6$ -alkylamino, piperidin-1-yl, pyrrolidin-1-yl or morpholin-4-yl;

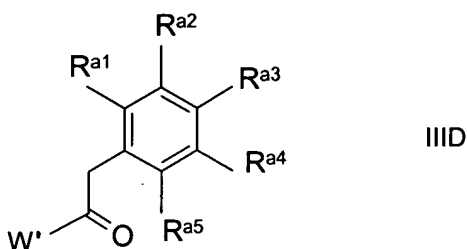
$R^7$  and  $R^8$  together with the nitrogen atom to which they are attached may also form a 5-, 6- or 7-membered saturated or unsaturated heterocycle which may have 1, 2, 3 or 4 further heteroatoms selected from the group consisting of O, S, N and  $NR^{10}$  as ring members, and may be partially or fully halogenated and which may have 1, 2 or 3 radicals  $R^b$ ; and

$R^9$ ,  $R^{10}$  independently of one another are hydrogen or  $C_1$ - $C_6$ -alkyl;

or an agriculturally acceptable salt thereof for controlling phytopathogenic fungi.



15. (Original) A method for controlling phytopathogenic fungi, which comprises treating the fungi or the materials, plants, the soil or seed to be protected against fungal attack with an effective amount of a compound of the formula I according to claim 14 and/or with an agriculturally acceptable salt of I.
16. (Original) A composition for controlling phytopathogenic fungi, comprising at least one compound of the formula I according to claim 14 and/or an agriculturally acceptable salt of I and at least one liquid or solid carrier.
17. (Original) A ketone of the formula IIID



in which

W' is C<sub>1</sub>-C<sub>6</sub>-alkyl, C<sub>1</sub>-C<sub>6</sub>-haloalkyl, C<sub>2</sub>-C<sub>6</sub>-alkenyl, C<sub>2</sub>-C<sub>6</sub>-alkynyl, C<sub>3</sub>-C<sub>8</sub>-cycloalkyl which is optionally mono- or polysubstituted by alkyl and/or halogen, C<sub>5</sub>-C<sub>8</sub>-cycloalkenyl which is optionally mono- or polysubstituted by alkyl and/or halogen;

R<sup>a1</sup> is fluorine, chlorine, trifluoromethyl or methyl;

R<sup>a2</sup> is hydrogen or fluorine;

$R^{a3}$  is hydrogen, fluorine, chlorine, cyano,  $C_1$ - $C_4$ -alkyl,  $C_1$ - $C_4$ -alkoxy or  $C_1$ - $C_4$ -alkoxycarbonyl;

$R^{a4}$  is hydrogen, chlorine or fluorine;

$R^{a5}$  is hydrogen, fluorine, chlorine,  $C_1$ - $C_4$ -alkyl or  $C_1$ - $C_4$ -alkoxy.